

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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33 EAST 60<sup>TH</sup> STREET, INC. d/b/a : 08 Civ. 4147 (RJS) (GWG)  
Scores East, :

Plaintiff, :

-against- :

NEW YORK STATE LIQUOR AUTHORITY, : **NOTICE OF CROSS-MOTION**  
DANIEL B. BOYLE, individually, :  
LAWRENCE J. GEDDA, individually, :  
NOREEN HEALEY, individually, and the :  
CITY OF NEW YORK, :

Defendants. :

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PLEASE TAKE NOTICE that upon the complaint, filed on May 1, 2008, the answer on behalf of State defendants filed on June 16, 2008, the declaration of Joel Graber, an Assistant Attorney General, dated July 8, 2008, and the exhibits annexed thereto, and State defendants' memorandum of law submitted herewith, and upon all prior papers and proceedings heretofore had herein, the undersigned will cross-move this Court, before the Honorable Richard J. Sullivan, United States District Judge, on a date to be determined by the Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an order and judgment, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, dismissing the complaint in this action, and granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
July 8, 2008

ANDREW M. CUOMO  
Attorney General of the  
State of New York  
**Attorney for State Defendants**  
By:



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